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A. Applicant argues on page 8 of the Remarks filed 16 June 2008 (hereafter the "Remarks") that previous claim 18 does not introduce new matter because Figure 1 and pages 5 and 7 of the specification support the amendment.

However, as noted in the previous rejections, Figure 1 and the description thereof show an electrode E for applying a voltage, but neither citation recites fixing a potential using a *gate* electrode. The specification does, however, teach an electrode is used to set the potential of the measuring solution on page 7, lines 10-20, but does not teach the specific use of a *gate* electrode.

In addition, Applicant's own citation of page 7, lines 10-14 of the specification states that "[a]n electrode E (Ag/AgCl, for example) is used to set the potential of the measuring solution 6 (electrolyte) with respect to the silicon structure that it covers and to set the operating point of the sensors (transistors)." Figure 1 clearly shows that the electrode E is *external* and *separate from* the source S, drain D and active region 3. Thus, the specification describes a voltage applied by a *separate* electrode E that is not described as a *gate* electrode anywhere in the specification.

Therefore, the limitation of fixing a potential of the electrolyte solution which covers said active zones with a "gate electrode" constitutes new matter and the previous rejections under 35 USC 112, First Paragraph are maintained.

B. Applicant's amendments would have been sufficient to overcome the previous objection to claim 17 and the rejections of claims 1-18 under 35 USC 112,

Second Paragraph had the amendments been entered. However, because the amendments were not entered, the objection and rejections are maintained.

C. Applicant argues on pages 10-11 of the Remarks that Lindsay et al do not teach the potential of the buffer and the gate is fixed.

However, the limitation that Applicant's argument is based on was found in previous claim 18, which was rejected as obvious over Lindsay et al in view of Kariyone et al in view of Heller et al. Applicant's arguments do not address the teachings of Heller et al, which were relied upon for use of the known technique of using an array-based electrode to fix the potential, which has the added advantage of a requiring a minimized number of structures used in the method as a result of having a single electrode that serves all of the electrodes of the array. This rejection is detailed in Section 18 of the previous Office Action.

Thus, Applicant's arguments refer to the amended claims and rely solely on the amendments. In addition, Applicant's further arguments on pages 11-12 of the Remarks also refer to the amended claims and rely solely on the amendments. Because the after final amendments were not entered, the arguments based on the after final amendments have not been considered.

/Robert T. Crow/
Examiner, Art Unit 1634

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